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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/850,031	05/08/2001	Nobuhisa Shimba	208254US0	9568	
22850	7590 09/26/2002				
OBLON SP	OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT PC			EXAMINER	
FOURTH FLOOR			WEBER, JON P		
	1755 JEFFERSON DAVIS HIGHWAY				
ARLINGTON, VA 22202			ART UNIT	PAPER NUMBER	
			1651	•	
			DATE MAILED: 09/26/2002	Ç	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner		Table No.	Applicant(a)				
### Examiner ### Don P. Weber, Ph.D. 1651 - The MAILING DATE of this c mmunication appears on th 1651 - The MAILING DATE of this c mmunication appears on th 1651 - The MAILING DATE of this c mmunication appears on th 1651 AS HORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Exterior of time may be available under the provision of 37 CFR 1.136(a) in no evers, however, may a regly be timely filed unter \$X (6) MCMTHS from all controls the set bush they (3) days will be considered timely. - If NO period for regly is perified above, the meantime statutory pricated will apply and will explain \$X (6) MCMTHS from the mailing date of this communication of the pricate of the communication. - If NO period for regly is perified above, the meantime statutory pricate of the communication, even if stellay (3) days will be considered timely. - If NO period for regly is perified above, the meantime statutory pricate of the communication, even if stellay (3) days will be considered timely. - If NO period for regly is perified above, the meantime statutory pricate of the communication, even if stellay (3) days will be considered timely. - If NO period for regly is perified above, the meantime statutory pricate of the communication, even if stellay (3) days will be considered timely. - If NO period for regly is perified above, the meantime statutory pricate of the communication, even if stellay (3) days will be considered timely. - If NO period for regly is perified above, the meantime statutory pricate of the communication and perification is one of the meant of the statutory decided one is a constant of the communication. - Application of Claims - Application of Claims - Application of Claims - Application is objected to by the Examiner. - Application Papers - The periposed drawing correction filed on is a complete of the pricate domestic pricate in regly to this Office action. - The days of the perified copies of the pricate		Applicati n No. Applicant(s)					
Jon P. Weber, Ph.D. 1651		09/850,031	SHIMBA ET AL.				
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Art Unit: 1651

Status of the Claims

Claims 1-15 have been presented for examination.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-11, drawn to a method for isotopically labeling a protein, classified in class 435, subclass 128.
- II. Claims 12-15, drawn to a method of determining the substrate specificity of transglutaminase, classified in class 435, subclass 15.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions the method of Group I is much broader than Group II and encompasses enzymes other than transglutaminase to label a protein. An example might be a protease that catalyzes transpeptidation with an isotopically labeled amino acid. Further the labeling of the protein in Group I can be practiced without determining the location of the label as required in Group II.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon P. Weber, Ph.D. whose telephone number is 703-308-4015. The examiner can normally be reached on daily, off 1st Fri, 9/5/4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Wityshyn can be reached on 703-308-4743. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Jon P. Weber, Ph.D. Primary Examiner Art Unit 1651

JPW

September 23, 2002